

IN RE: PETITION FOR ZONING VARIANCE  
E/S Delmar Avenue, 411.64' S  
of the C/L of Wise Avenue  
(97 Delmar Avenue)  
12th Election District  
7th Councilmanic District  
William E. Pressell, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-236-A

**FINDINGS, FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a variance to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for an open projection (carport) and a rear yard setback of 14 feet in lieu of the required 30 feet for an enclosed porch, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as a Proponent in the matter was Robert McKolon.

Testimony indicated that the subject property, known as 97 Delmar Avenue, consists of .122 acres more or less zoned D.R. 5.5, and is improved with a one and one-half story single family dwelling which has been Petitioners' residence for the past 9 years. Said property is located within the Chesapeake Bay Critical Areas on Bear Creek. Petitioners are desirous of constructing a carport on the north side of the existing dwelling to provide protection during inclement weather. Due to the layout of the dwelling and the location of existing improvements on the property, a variance is necessary as the proposed carport will be located within the side yard setback required. Testimony indicated Petitioner commenced construction of the carport without a permit several months ago. Upon receipt of a stop work order from the Department of Permits and Licenses, Petitioner removed that which had been constructed and applied for the

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Date 1/14/90  
By [Signature]

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Date 1/14/90  
By [Signature]

instant variance. Petitioner testified he has spoken with the adjoining affected property owner who has no objections to his request provided an appropriate storm water runoff system is installed and all portions of the carport are located on Petitioners' property. To support his testimony, Mr. Pressell introduced a letter of support from the adjoining neighbor dated May 5, 1989 and identified herein as Petitioner's Exhibit 2.

With respect to the rear yard variance, Petitioners testified they are desirous of enclosing an existing screened in porch to provide more habitable space for year round use. Testimony indicated that Petitioners have reviewed the comments submitted by the Department of Environmental Protection and Resource Management concerning Critical Areas Legislation and indicated the proposed improvements can comply with those requirements.

Mr. McKolon, the adjoining property owner on the other side, testified that while he had no objection to the proposed carport, he is opposed to the porch enclosure. He testified that it was his understanding that the porch could not be enclosed as it would interfere with his view of the water to the north.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

- 2 -

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas Legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

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Date 1/14/90  
By [Signature]

- 3 -

- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1990 that the Petition for Zoning Variance to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for an open projection (carport) and a rear yard setback of 14 feet in lieu of the required 30 feet for an enclosed porch, in accordance with Petitioner's exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall provide a proper gutter system on both the carport and enclosed porch.

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Date 1/14/90  
By [Signature]

- 4 -

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 13, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 1/14/90  
By [Signature]

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 87  
Pressell Property  
Chesapeake Bay Critical Area Findings

DATE: December 13, 1989

RECEIVED  
DEC 15 1989  
ZONING OFFICE

**SITE LOCATION**

The subject property is located at 97 Del Mar Avenue in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

**APPLICANT'S NAME** Mr. and Mrs. Pressell

**APPLICANT'S PROPOSAL**

The applicant has requested a variance from section 1802.3 and 301.1 of the Baltimore County Zoning Regulations to permit a one foot sideyard setback for an open projection (carport) and a 14 foot rear yard setback for an enclosed porch in lieu of the minimum 7 1/2 feet and 30 feet, respectively.

**GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM**

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

COMAR 14.15.10.01.02

Memo to Mr. J. Robert Haines  
December 13, 1989  
Page 3

**CONCLUSION**

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 897-2904.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:ju

Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz  
Mrs. Janice B. Outen  
Mr. David C. Flowers

**Chapter 4**  
**Rainy Day Blues**

How rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or broken septic systems. Solving the problems associated with surface water runoff and poorly drained soil is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off, often eroding yards and destroying plants. Much of the soil washed off vacant lots and lawns is carried into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drainage ways.

**Dealing with Surface Runoff**

On a large tract of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a

downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the house, you should regrade the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can regrade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to a seasonally high water table, or a clay hardpan beneath the surface, and low-lying soil "receptor" runoff from a large land area may not have sufficient infiltration capacity.

When you try to retain runoff in a wet area, the soil will become saturated, and rainfall that should filter down through the soil will collect on the surface and either create health, safety, and use problems or move across the surface as excess runoff.

Be on the lookout for small wet patches in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Plant growth is usually poor in these areas and erosion often occurs. Filling these pockets with topsoil and seeding them with grass will usually solve the problem by letting water flow on its natural path.

**Basement Water Downflow**

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to leave it in a less used area of the yard (around shrubs or trees, for example) by installing a swale to carry the water across the yard. Plant the new

swale with native plants.

Basement water downflow - some filtering through the soil, some running directly into nearby streams. By encouraging rainwater to flow slowly across the soil so most of it filters into the ground, you will help prevent erosion problems.

ITEM #87  
CRITICAL  
90-236-A

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1002.1.B and 301.1. To permit a 1 foot side yard setback for an open projection (carport) and a 14 foot rear yard setback for an enclosed porch in lieu of the minimum 7 1/2 feet and 30 feet, respectively.

Respectfully, the undersigned, legal owner(s) of the property situated in Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

**FREE-STANDING CARPORT** **CLOSED IN SEVEN ARCH LIVING AREA**

- 1) PROTECT (a) NEW CAR.
- 2) ENTER AND EXIT DURING BAD WEATHER.
- 3) NEED ADDITIONAL SHELTER.
- 4) NEED ENLARGED REAR ROUND LIVING AREA.
- 5) ENCLOSURE FOR PRIVACY.
- 6) CONVENIENCE FOR FAMILY ROOM WITH ACCESS TO WATER.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)

Signature: \_\_\_\_\_  
(Type or Print Name)

Address: \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)

Address: \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1989, at \_\_\_\_\_ o'clock P.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

ITEM #87  
CRITICAL  
90-236-A

### ZONING DESCRIPTION

Beginning on the east side of Delmar Avenue, 50 feet wide, at the distance of 411.64 feet south of the centerline of Wise Avenue. Being Lot #62 in the subdivision of Inverness, Annex No. 1, Plat Book 13, Folio 27.

Also known as 97 Delmar Avenue in the 12th Election District.

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 11/17/89

Posted for: Kolonos

Petitioner: William E. Pressell et al.

Location of property: 97 Delmar Ave, 411.64' S of c/l of Wise Ave

Location of Sign: Front, between Hwy. 121st St. and Hwy. 122nd St. on property of Petitioner

Remarks: \_\_\_\_\_

Posted by: M. Haines Date of return: 12/1/89

Number of Signs: 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Re: Mrs. William E. Pressell  
97 Delmar Avenue  
Baltimore, Maryland 21222

Re: Petition for Zoning Variance  
CASE NUMBER: 90-236-A  
E/O of Delmar Avenue, 411.64' S of c/l of Wise Avenue  
97 Delmar Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): William E. Pressell, et al.  
HEARING: FRIDAY, DECEMBER 15, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$99.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set returned.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

NOTE: (If "PHASE II" of the "SHEM EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

Debra A. Eliadis  
99 Delmar Avenue  
Baltimore, Maryland 21222  
May 5 1989

Mr. J. Robert Haines  
Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Construction of carport on property of: William and Virginia Pressell 97 Delmar Avenue Baltimore, Maryland 21222

Dear Mr. Haines:

I have recently been advised of a complaint regarding the construction of a carport at 97 Delmar Avenue.

Please be advised that I reside next door to Mr. and Mrs. Pressell, at 99 Delmar Avenue, and have no objections to the construction of the carport as long as the following assurances made to me by Mr. and Mrs. Pressell are met:

1. Any and all portions of the structure which are now extending onto my property be removed; and
2. A rain gutter installed to divert all rain water from the Pressells' house and carport onto the Pressells' property.

If you should have any questions in this regard, please contact me at the above address.

Sincerely yours,  
*Debra A. Eliadis*

cc: (Mr. and Mrs. Pressell)

### PETITIONER'S EXHIBIT 2

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Robert Kolon	95 Delmar Ave

Property Address: 97 Delmar Avenue  
Petitioner: Pressell, William  
Zip Code: 21222  
Council District: 12  
Election District: 7

### Tracking System

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning

RECEIPT

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 9/16/89 ACCOUNT: 01-515  
AMOUNT: \$ 35.00

RECEIVED William Pressell  
97 Delmar Avenue (Petition # 87)

VALIDATION OR SIGNATURE OF OFFICER: \_\_\_\_\_

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Re: Mrs. William E. Pressell  
97 Delmar Avenue  
Baltimore, Maryland 21222

Re: Petition for Zoning Variance  
CASE NUMBER: 90-236-A  
E/O of Delmar Avenue, 411.64' S of c/l of Wise Avenue  
97 Delmar Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): William E. Pressell, et al.  
HEARING: FRIDAY, DECEMBER 15, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ is due for advertising and posting of the above captioned property.

### receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150  
Number: 767

Date: 12/19/89

QTY	PRICE
1	\$99.86
1	\$99.86
TOTAL	\$99.86

LAST NAME OF OWNER: PRESSSELL

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 17, 1989

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-236-A  
E/O of Delmar Avenue, 411.64' S of c/l of Wise Avenue  
97 Delmar Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): William E. Pressell, et al.  
HEARING: FRIDAY, DECEMBER 15, 1989 at 2:00 p.m.

Whereas to permit a 1 foot side yard setback for an open projection (carport) and a 14 foot rear yard setback for an enclosed porch in lieu of the minimum 7 1/2 feet and 30 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE: (If "PHASE II" of the "SHEM EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

CRITICAL AREA  
90-236-A

PRONG OF BEAR CREEK

14' side yard setback for carport

1' side yard setback for porch

20' side yard setback for porch

411.64' South of Wise Avenue

DELMAR

Under a Sewer in Delmar Avenue

### PETITIONER'S EXHIBIT 1

Plat for Zoning Variance  
Side is within Chesapeake Bay Critical Area

HOUSE LOCATION  
Owners: William and Virginia Pressell  
LOT N° 62  
LOT N° 62  
PLAT OF INVERNESS, ANNEX N° 1  
PLATBOOK CH# 13 folio 27  
BALTIMORE COUNTY, MARYLAND  
Election District 12

5,322 sq. ft.  
= 122 ac

SCALE: 1" = 30'

DATE: 9-2-81

GERHOLD, CROSS & ETZEL  
Registered Land Surveyors  
412 Delaware Avenue

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1989

COUNTY OFFICE BLDG.  
131 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. William E. Pressell  
97 Delmar Avenue  
Baltimore, MD 21222

RE: Item No. 87, Case No. 90-236-A  
Petitioner: William E. Pressell, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Pressell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

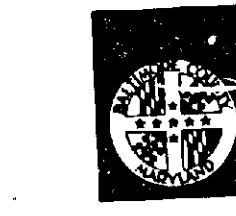
Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 2th day of October, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William E. Pressell, et ux

Petitioner's Attorney:

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 6, 1989  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: William E. Pressell, Item 87  
Zoning Petition No. 90-236

The Petitioner requests a variance to permit a 1 ft. side yard setback for a carport and 14 ft. rear yard setback for an enclosed porch.

In reference to this request, staff has no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DEC 06 1989

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204



Dennis F. Rasmussen  
County Executive

RECEIVED  
NOV 16 1989

### ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 87, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 104.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan,  
Traffic Engineer Associate II

MSF/lab

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500  
Paul H. Reinke  
Chief

September 25, 1989



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WILLIAM E. PRESSELL

Location: E/S OF DELMAR AVENUE

Item No.: 87 Zoning Agenda: SEPTEMBER 26, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *CH 9-25-89* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: December 13, 1989  
Zoning Commissioner  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Petition for Zoning Variance - Item 87  
Pressell Property  
Chesapeake Bay Critical Area Findings

RECEIVED  
DEC 15 1989

### ZONING OFFICE

#### SITE LOCATION

The subject property is located at 97 Del Mar Avenue in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. & Mrs. Pressell

#### APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3 and 301.1 of the Baltimore County Zoning Regulations to permit a one foot sideyard setback for an open projection (carport) and a 14 foot rear yard setback for an enclosed porch in lieu of the minimum 7 1/2 feet and 30 feet, respectively.

#### GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines  
December 13, 1989  
Page 2

#### REGULATIONS AND FINDINGS

1a. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

1b. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" (Baltimore County Code, Section 22-213 (d)).

Findings: The entire property is located within the 100 foot buffer. The existing enclosed porch is approximately 37 feet from the mean high tide. The applicant shall maintain this remaining 37 foot tidal water buffer and plant it in accordance with the Manual for Forest Establishment Plans and Forest Establishment Agreement (Baltimore County Resolution No. 14-88). The following plant material shall be selected from the enclosed list and planted to provide a 37 foot vegetated shoreline buffer.

Shrub and small tree list: 6 items - ball and burlap or 2 gallon container size.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" (Baltimore County Code Sec. 22-98).

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" (Baltimore County Code Sec. 22-216).

Findings: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into D.I.T. drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

Memo to Mr. J. Robert Haines  
December 13, 1989  
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#### CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF/ju

Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz  
Mrs. Janice B. Outen  
Mr. David C. Flowers